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<b>Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (Small Entity)</b>				<b>Docket No.</b> 6871.01	
In Re Application Of: <b>Hornsby, et al.</b>					
<b>Application No.</b> 09/941,473	<b>Filing Date</b> August 29, 2001	<b>Examiner</b> Francis, Faye	<b>Customer No.</b> 000042173	<b>Group Art Unit</b> 3712	<b>Confirmation No.</b> 6470
<b>Invention:</b> <b>BUBBLE MAKING AMUSEMENT DEVICE</b>					
<p><u>Attention: Office of Petitions</u> <u>Mail Stop Petition</u> <u>COMMISSIONER FOR PATENTS</u> <u>P.O. Box 1450</u> <u>Alexandria, VA 22313-1450</u></p> <p><b>NOTE:</b> If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.</p> <p>The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.</p> <p style="text-align:center"><b>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</b></p> <p><b>NOTE:</b> A grantable petition requires the following items:</p> <ul style="list-style-type: none"><li>(1) Petition fee;</li><li>(2) Reply and/or issue fee;</li><li>(3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and</li></ul> <p>1. <input checked="" type="checkbox"/> A proposed reply to the above-identified Office Action: <b>07/19/2004 SZEWDIE1 00000082 09941473</b> <input checked="" type="checkbox"/> is enclosed.      <input type="checkbox"/> was filed on <b>01 FC:2453</b>      <b>665.00 OP</b> The proposed reply is in the form of: _____</p> <p>2. <input checked="" type="checkbox"/> The issue fee: <input type="checkbox"/> is enclosed.      <input checked="" type="checkbox"/> was paid on <b>April 21, 2004</b></p> <p>3. <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p> <p>4. <input type="checkbox"/> The abandoned application was a: <input type="checkbox"/> design application.      <input checked="" type="checkbox"/> utility application.      <input type="checkbox"/> plant application.</p> <p>5. <input type="checkbox"/> A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.</p> <p>6. <input checked="" type="checkbox"/> Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.</p>					

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Docket No.  
**6871.01**

In Re Application Of: **Hornsby, et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/941,473	August 29, 2001	Francis, Faye	000042173	3712	6470

Invention:

**BUBBLE MAKING AMUSEMENT DEVICE**

**Calculation and Payment of Fees**

Enclosed are the following fees:

- |   |                             |
|---|-----------------------------|
| 7. <input checked="" type="checkbox"/> Petition fee under 37 CFR 1.17(m) in the amount of:        | <u>\$665.00</u>             |
| 8. <input type="checkbox"/> Fee for amendment in the amount of:                                   | <u>                    </u> |
| 9. <input type="checkbox"/> Fee for extension of time to reply to Office Action in the amount of: | <u>                    </u> |
| 10. <input type="checkbox"/> Issue fee in the amount of:  | <u>                    </u> |
| 11. <input type="checkbox"/> Continuing application filing fee in the amount of:                  | <u>                    </u> |
| 12. <input type="checkbox"/> Terminal disclaimer fee in the amount of:                            | <u>                    </u> |
| 13. <input type="checkbox"/> _____  | <u>                    </u> |

Total fees enclosed: \$665.00

The fee of \$665 is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to  
Deposit Account No. **11-1152**

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09/941,473	August 29, 2001	Francis, Faye	000042173	3712	6470

Invention:

**BUBBLE MAKING AMUSEMENT DEVICE**

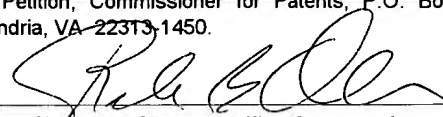
**Statement**

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Dated: **July 15, 2004**

  
*Signature*

I certify that this document and fee is being deposited on  
**July 15, 2004** with the U.S. Postal Service as first  
class mail under 37 C.F.R. 1.8 and is addressed to the Mail  
Stop Petition, Commissioner for Patents, P.O. Box 1450,  
Alexandria, VA 22313-1450.

  
*Signature of Person Mailing Correspondence*

**Richard B. Klar**

*Typed or Printed Name of Person Mailing Correspondence*

CC:

United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09/941,473

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED:

## NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
- ☐ A reply (with Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_ which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ A reply was received on \_\_\_\_\_, but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).
- ☐ No reply has been received.
- ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85)(or Notice of Publication Fee Due).
- ☐ The submitted fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.  
The issue fee by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required, by 37 CFR 1.18(d) is \$ \_\_\_\_\_.
- ☐ The issue fee and publication fee, if applicable, have not been received.
- ☒ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
- ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
- ☒ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below: \_\_\_\_\_

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

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